THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No. 28393 OF 1996

DATE: 24-1-2007

Between:

Sattarai Satyanarayana Rao .... Petitioner

And

1. The Registrar,
JNT University,
Hyderabad and 2 others ... Respondents

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O R D E R:

Questioning the proceedings of the 1st respondent dated 22.12.1993, whereby respondents 2 and 3 were promoted as Deputy Registrars, the present writ petition is filed. It is necessary to note that while respondents 2 and 3 were promoted as Deputy Registrars, vide proceedings dated 22.12.1993, the present writ petition came to be filed three years thereafter on 19.12.1996. At the time of filing of the writ petition the petitioner was aged 57 years and was on the verge of retirement. Except to state that the petitioner was senior to respondents 2 and 3 and that promotion was on the basis of merit, no reference is made in the affidavit to the any rule which prescribes that promotion to the post of Deputy Registrar is required to be made only on the basis of seniority.

No counter affidavit is filed by the respondents.

It is only if the petitioner makes out a case, warranting interference of this Court under Article 226, would the factum of non-filing of a counter affidavit by the respondents assume importance. In the absence of any rule prescribing that promotions to the post of Dy. Registrars be effected only on the basis of seniority the petitioner cannot claim, as a matter of right, that he being senior to respondents 2 and 3 ought to have been promoted as a Deputy Registrar. The petitioner has

also not given any reasons in the affidavit filed in support of the writ petition for the inordinate delay of nearly 3 years in challenging the impugned order dated 22.12.1993.

The writ petition is accordingly dismissed. However, in the circumstances without costs.

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24-1-2007

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